

FILED

AUG 11 2021

**THE WYOMING CIRCUIT COURT
FIFTH JUDICIAL DISTRICT IN AND FOR PARK COUNTY**
1002 Sheridan Avenue, Room 206, Cody Wyoming 82414
Court of Fifth Judicial District
Park County, Wyoming
By Kristen LaBazzo Deputy/Clerk

COLLECTION PROFESSIONALS, INC.,
Plaintiff,

Civil Action No. CV-2021-221-COD

-vs-

**KENNETH MCGRADY, and
TERESA MCGRADY,**
Defendant(s).

**ORDER STRIKING
SERVICE OF PROCESS**

THIS MATTER having come before the Court on this 30th day of June 2021 for hearing on the Defendants' motion to dismiss and the Plaintiff having appeared telephonically through its attorney, Weston Graham (WBN: 6-4404), and the Defendants having appeared through their attorney, Bret Allred (WBN: 6-3835), and the court having heard arguments finds:

INSUFFICIENT SERVICE OF PROCESS

1. Service of process was purported to be accomplished pursuant to W.R.C.P. 4(e)(2) "by leaving copies thereof at the individual's dwelling house or usual place of abode with some person over the age of 14 years then residing therein."
2. The individual who received the summons and complaint, "Darrel," was not residing the Defendants' dwelling house or usual place of abode.

INSUFFICIENT PROCESS

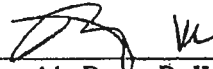
3. Service of the summonses and complaint were attempted by the Plaintiff under W.R.C.P.C.C. 3.1(a)(2) which authorizes service before filing.
4. The summons issued by the Plaintiff's attorney did not comply with various requirements of W.R.C.P.C.C. 3.1(b)(2); most notably it failed to include the address of the Court.
5. Failure to include the Court's address is a radical defect and directly impairs the defendants right to an opportunity to be heard in court.

Order Striking Service of Process
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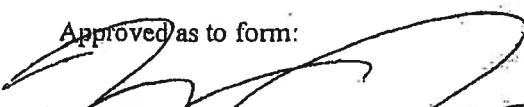
THEREFORE IT IS HEREBY ORDERED that the summons issued by the Plaintiff's attorney prior to filing as well as the service thereof are hereby quashed.

DATED this 11 day of August 2021.

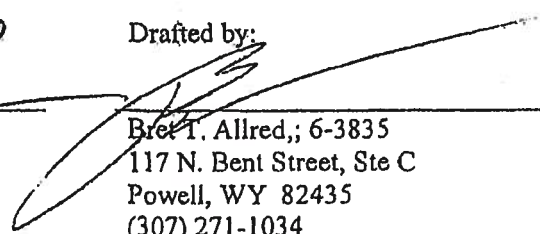
BY THE COURT


The Honorable Bruce B. Waters

Approved as to form:


Weston Graham; 6-4404
247 Coffeen Avenue,
Sheridan, WY 82801.
Attorney for Plaintiff

Drafted by:


Bret T. Allred,; 6-3835
117 N. Bent Street, Ste C
Powell, WY 82435
(307) 271-1034
bret@YellowstoneLawGroup.com
Attorney for defendants (Limited)

I, THE CLERK/DEPUTY CLERK OF COURT, do hereby certify that on this 12th day of August 2021 copies of the above order were mailed to the parties as follows:

Defendants by mail (Attorney: Bret T. Allred 117 N. Bent Street, Ste C, Powell, WY 82435)
Plaintiff by mail: (Attorney: Weston Graham, 247 Coffeen Avenue, Sheridan, WY 82801)

Kristen LaBazzo
Clerk/Deputy Clerk of Court